THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10901 of 2007

09.7.2007

Between:

T.Ramesh, S/o.late Mr.T.Vasudev Rao

… Petitioner

ANdD

The District Collector, Adilabad District,
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10901 of 2007

ORDER:

The petitioner is resident of Sirpur town. He filed the instant writ petition challenging the proceedings of the second respondent dated 15.3.2007 whereby and whereunder certain orders were issued directing the Mandal Surveyor, Sirpur, to complete the survey in respect of lands comprised in survey Nos.658, 659, 660, 668, 671, 673, 686, 687/1, 687/2, 688, 689, 690, 691, 692 and 819 belonging to various persons. These lands were taken over as surplus lands under the provisions of Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 (the Act, for brevity). According to the impugned order, all the survey staff were required to complete the survey before 31.3.2007.

The petitioner alleges that his father was owner of land in various survey numbers, some of which are mentioned herein above, situated at Sirpur village. These lands were sub-divided in 1957 on a request made by petitioner's father for Phodi (sub-division). These lands were surveyed at that time. Father of the petitioner died in 1974. Petitioner filed a declaration before the Land Reforms Tribunal under the Act declaring Acs.75.00, which was already sold to respondents 4 and 5. The Tribunal refused to accept the same and directed the petitioner to surrender Acs.8.00 of surplus land. In 1999, when possession of the land was being taken, petitioner filed W.P.No.369 of 1989. The same was disposed of on 03.9.1996 giving liberty to the petitioner to file application before second respondent for conducting enquiry and for appropriate orders. Petitioner then made a representation on 21.2.1997 to second respondent and the same was allegedly not disposed of. Petitioner alleges that without disposing of the same, conducting survey as per the impugned proceedings is illegal and arbitrary. He also contends that notice of survey was not given to him and therefore the impugned order is illegal.

Admittedly petitioner sold the land to respondents 4 to 6. This was shown in the declaration, which was accepted by the Tribunal. As per the impugned order, petitioner is in the holding of Acs.21.21 gts in survey Nos.658, 659 and 660. If that be the case, even though there is no notice, petitioner can always appear before the second respondent and raise objections with regard to the survey. The survey itself is being undertaken presumably for taking possession. Indeed, the Sub-Collector categorically directed survey to be taken up without disturbing the possession of others. The impugned order directed surveyors to complete the survey before 31.3.2007 whereas this writ petition is filed on 16.5.2007. In that view of the matter, the writ petition is barred by laches. If the survey is not taken up, it is always open to the petitioner to file appropriate application before the second respondent to the Mandal Surveyor concerned to consider the objections of the petitioner.

The writ petition is misconceived and is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

July 09, 2007
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